Case 1:08-cv-01000-RJH Document 43

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

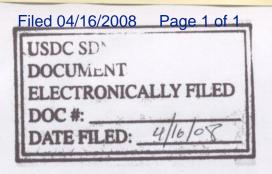
NEW YORK STATE RESTAURANT ASSOCIATION,

Plaintiff,

- against -

NEW YORK CITY BOARD OF HEALTH, NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE, and Thomas R. Frieden, In His Official Capacity as Commissioner of the New York City Department of Health and Mental Hygiene,

Defendants.



No. 2008 Civ. 1000 (RJH)

NOTICE OF APPEAL

U.S. DISTRICT COURT 2008 APR 16 PM 3: 42 S.D. OF N.Y.

PLEASE TAKE NOTICE that the plaintiff in the above-referenced action The New York State Restaurant Association hereby appeals to The United States Court of Appeals for the Second Circuit from the Memorandum Opinion and Order denying Plaintiff's Motion for a Preliminary Injunction, denying plaintiff's motions for declaratory relief and summary judgment and granting defendants' motion for summary judgment entered on April 16, 2008.

Dated: April 16, 2008

New York, New York

Respectfully submitted,

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SST & TTLL50)